



United States Mission to the OSCE

Session 4: Freedom of the Media

As prepared for delivery by Thomas O. Melia, Deputy Assistant Secretary of State
OSCE Review Conference
Astana, Kazakhstan
November 26, 2010

The right to know one's rights, in order to be able to act on them, was framed in the Helsinki Final Act as a founding principle of comprehensive human security. A free media is a vital cornerstone of modern democratic society, ensuring not only free expression--including the reporting of news and competing views on policy options--but also enabling the consumers of news to know their rights and thus, to exercise their rights. This is why we in the OSCE have created a Representative on Freedom of the Media, so ably filled at present by Ms. Dunja Mijatovic.

Indeed, I would like to thank Ms. Mijatovic for raising the recent arrest of journalists at Fort Benning in the American state of Georgia. Her wholly appropriate inquiry has been presented in a formal letter to my government, and we look forward to clarifying the events in question as part of our ongoing effort to ensure that media freedom is fully respected in the United States.

Unfortunately, free and independent media are consistently and severely threatened in numerous participating States. Not surprisingly, where democratic development has stalled or regressed, authorities all too often bring the full force of the state to bear against independent voices, including via frequent tax and other inspections, physical intimidation and even threats against family members. Today, however, I want to focus on two concerning trends: the deployment by governments of defamation or insult laws that improperly constrain free expression by journalists, and the proliferation of new laws and tactics to stifle Internet freedom.

Before that, however, I must return to a topic my delegation raised in Warsaw: physical attacks on journalists in the OSCE region. The United States condemns the heinous attacks on Russian journalists Oleg Kashin and Anatoly Adamchuk and the similar disabling assault on Mikhail Beketov in 2008. We welcome the recent decision to reopen the investigation into Mr. Beketov's brutal beating and the Russian authorities' public condemnation of the attack on Mr. Kashin. But the impunity in these and scores of other cases of attacks on journalists must end.

The United States has repeatedly urged participating States to repeal laws criminalizing so-called "defamation" and other expressions of opinion. We therefore welcome the decriminalization of most instances of defamation in Armenia, as we have welcomed decriminalization by eleven other participating States to date, including Georgia and Ukraine. It is critical that civil penalties or other criminal statutes not be applied in order to cripple media outlets.

We join Ms. Mijatovic in calling on Kyrgyzstan to build on the freedom of expression guarantees in its new Constitution and to take further steps to decriminalize defamation.

In Tajikistan and Belarus, libel and slander, especially of high-ranking civil servants, remain criminal offenses.

Likewise, laws in Turkmenistan accord special protections to state officials and symbols, which means that persons can be fined or imprisoned for exercising their fundamental freedom to express opinion.

We call upon Uzbekistan to stop the criminal prosecution of journalists based solely on the content of their reporting. In all, nearly a dozen journalists are known to be jailed in Uzbekistan on dubious charges including extortion, drug trafficking, and “illegal distribution of materials.”

In Kazakhstan, several opposition weekly publications have been subjected to exorbitant fines for “defamation.” According to the local NGO Adil Soz, in 2009 alone 149 defamation claims were filed seeking a total of \$17 million dollars in damages. Of those plaintiffs, 69—about half—were government officials.

While Turkey amended Article 301 of the Penal Code, individuals continue to be subject to criminal proceedings under this and other laws for statements that are deemed to denigrate the “Turkish state” and its founder, symbol, or institutions. Provisions under the Anti-Terror Law are used to curtail free expression on some topics such as Kurdish identity.

We welcome the court decision in Azerbaijan to release bloggers Adnan Hajizade and Emin Milli. However, newspaper editor Eynulla Fatullayev remains imprisoned on a series of charges, including criminal defamation, which international and domestic observers consider politically motivated.

Madam Moderator, not infrequently, those charged with insulting or defaming officials are in fact reporting on the very real corruption that afflicts many countries. For instance, Kazakhstan has not released imprisoned editor Ramazan Yesergepov, whose case my delegation raised in Warsaw.

In Albania, Top Channel TV was ordered to pay a huge fine earlier this year to a former government minister in connection with an expose on alleged corruption.

In open, democratic societies, criticizing or lampooning leaders and policies is not met with a harsh governmental response. Satire, especially when focused on the high and the mighty, is a facet of rich social dialogue from which citizens in many countries have benefited. In my own country, in fact, as in numerous participating States, cartoonists and critical commentators do not go to jail or lose their jobs for sharp-edged critiques. Indeed, some win prizes, such as the prestigious annual Pulitzer prize for commentary.

Turning to my second theme, the challenges to free expression in the Internet Age, Secretary of State Clinton has observed that “now, there are more ways to spread more ideas to more people than at any moment in history.” Yet authoritarian governments instead seek to block the free flow of information made possible by modern communications technologies.

For instance, access to the Internet remains tightly restricted in Turkmenistan, where independent online reporters and their families face increasing harassment.

Strict controls on political content and blocking of Internet sites occur in Uzbekistan and Kazakhstan.

In Belarus, Internet legislation reinforces the already tight control and censorship of traditional media.

Meanwhile, Turkish authorities have blocked more than 5,000 Internet sites, many with content on sensitive social and political issues.

Over the past year, Russian authorities, too, have increased pressure on websites exposing corruption and police wrongdoing. Some sites have been blocked as “extremist.” Law enforcement officers demanded that a prominent blogger provide passwords to a discussion forum dedicated to the Rapsadskaya coal mine accident, which they then used to disable the forum.

If the participating States in the OSCE are to live up to the promises made when we each subscribed to the Helsinki Final Act, then we require a feisty and combative press—and effective mechanisms to ensure their freedom.

As Ms. Mijatovic said at the outset of this session, it is not enough simply that her office should exist. The governments of the OSCE must act on her recommendations and give real meaning to the Helsinki commitments regarding freedom of media.

In this spirit, the United States today recommits itself to continual improvement in our recognition and enforcement of this vital freedom, at home no less than abroad.

We invite participating States to join us in addressing these concerns and to dedicate themselves to implementing our shared commitments on media freedom.

Thank you.